

IN THE CIRCUIT COURT OF FAULKNER COUNTY, ARKANSAS
THIRD DIVISION

JASON HAYS and
MELISSA HAYS, Et Al

PLAINTIFFS

VS.

CASE NO. 23CV-14-877

EXXON MOBIL CORPORATION,
Et Al

DEFENDANTS

ORAL DEPOSITION (VIA VIDEO)

OF

MELISSA H. HAYS

(Taken March 30, 2016, at 9:49 a.m.)

LEE ANN DICKENS, CCR
BUSHMAN COURT REPORTING
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A P P E A R A N C E S

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ON BEHALF OF DEFENDANTS:

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MR. SCOTT A. IRBY
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ALSO PRESENT: MS. JANET HUNLEY
MR. JASON HAYS
MR. MIKE TSCHIEMER, the video
photographer

I N D E X

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C A P T I O N

2 ANSWERS AND ORAL DEPOSITION OF MELISSA H. HAYS,
3 (Via Video), a witness produced via notice at the
4 request of counsel for the PLAINTIFFS, taken in the
5 above-styled and numbered cause on the 30th day of
6 March, 2016, before LEE ANN DICKENS, Certified Court
7 Reporter, at 9:49 a.m., at the law offices of Mr.
8 William Rob Pointer, Duncan Firm, 900 South
9 Shackleford Road, Suite 725, Little Rock, Arkansas,
10 pursuant to the agreement hereinafter set forth.

11

12

* * * * *

13

14

S T I P U L A T I O N S

15 IT IS STIPULATED AND AGREED by and between the
16 parties through their respective counsel that the
17 oral deposition of MELISSA H. HAYS (Via Video) may be
18 taken for any and all purposes according to the
19 Arkansas Rules of Civil Procedure.

20

21

* * * * *

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1 PROCEEDINGS

2 THE VIDEO PHOTOGRAPHER: We're on the
3 audio and video record at approximately 9:49
4 a.m. on March 30th, 2016.

16 MR. POINTER: Rob Pointer for the
17 Plaintiffs.

18 MR. GATES: Joseph Gates for Ms. Hays.

19 MR. IRBY: Scott Irby for the Defendants.

20 MR. BARNES: Michael Barnes for the
21 Defendants.

22 THE VIDEO PHOTOGRAPHER: Thank you.

23 Madame Reporter, will you please swear in the
24 witness?

25 THE COURT REPORTER: I'll ask you to
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1 raise your right hand, please, ma'am.

2 THE WITNESS: Uh-huh.

3 THE COURT REPORTER: Do you solemnly
4 swear or affirm that the testimony you're
5 about to give is the truth, the whole truth,
6 nothing but the truth?

7 THE WITNESS: Yes.

8 THE COURT REPORTER: Thank you.

9 THE VIDEO PHOTOGRAPHER: Thank you.
10 Please proceed.

11 THEREUPON,

12 MELISSA H. HAYS,

13 THE WITNESS HEREINBEFORE NAMED,
14 having been first duly cautioned and
15 sworn by me to testify to the truth,
16 the whole truth, and nothing but the
17 truth, testified on her oath as
18 follows, to-wit:

19 EXAMINATION

20 BY MR. IRBY:

21 Q Good morning, Ms. Hays.

22 A Good morning.

23 Q Could you, please, tell us your full name.

24 THE WITNESS: Oh. I dropped my thing
25 again. Sorry.

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1 MR. IRBY: Okay.

2 A It's Melissa Hunley Hays.

3 MR. IRBY: I'll let you finish that
4 before I ask you another.

5 THE VIDEO PHOTOGRAPHER: The cord needs
6 to go down. That's going to be --

7 THE WITNESS: Is it -- can you hear?

8 THE VIDEO PHOTOGRAPHER: Yeah.

9 THE WITNESS: Okay. Sorry.

10 MR. IRBY: That's okay.

11 Q (By Mr. Irby) Ms. Hays, my name is Scott Irby.

12 My law firm represents the Defendants in this case
13 that you've filed. I'm here to ask you a few
14 questions about the lawsuit and your claims. You
15 understand that?

16 A Uh-huh. Yes.

17 Q Have you ever given a deposition before?

18 A No, sir.

19 Q You've had an opportunity to visit with your
20 lawyers, I know, but this is a question and answer
21 period. I ask the questions and you give the answers
22 and that's kind of the division of duties. Okay?

23 A Okay.

24 Q If you don't understand a question I ask, please
25 ask me to rephrase it and I'll be happy to do that.

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1 All right?

2 A Okay.

3 Q You're doing a good job of this, but from time
4 to time in normal conversation when you and I will be
5 talking and you may nod your head or just shake your
6 head or say uh-huh or huh-uh. And while I know
7 what's going on, Lee Ann is taking down everything
8 you and I say and so you need to make sure you have a
9 verbal response. Okay?

10 A Okay.

11 Q And you're also doing this very well which is
12 difficult to do sometimes. Let me get out my full
13 question before you begin your answer and I'll try to
14 let you get out your full answer before I start my
15 question. That way, we can get a clean record. All
16 right?

17 A Okay.

18 Q Finally, if you need a break at any time, I will
19 be happy to accommodate you. Just let us know. I
20 usually take a break about every hour or something
21 like that. And -- but if you need one before then,
22 just let me know. The only thing I'd ask is that if
23 I have asked you a question, you answer it before we
24 take a break. Okay?

25 A Okay.

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1 Q All right.

2 What's your date of birth?

3 A It's 8/26/80. August 26th, 19- --

4 Q Makes you 35?

5 A Yes.

6 THE VIDEO PHOTOGRAPHER: Tell you what,
7 Ms. Hays. I'm going to need you to raise
8 your microphone 3 or 4 inches higher for me.
9 You're a little soft-spoken.

10 THE WITNESS: Okay. Can I -- can you
11 hear me now?

12 THE VIDEO PHOTOGRAPHER: Yeah. Can you
13 speak up just a little bit for me?

14 THE WITNESS: Okay. I'll try --

15 THE VIDEO PHOTOGRAPHER: Thank you.

16 THE WITNESS: -- to talk loud. I'm
17 real --

18 THE VIDEO PHOTOGRAPHER: I understand.
19 That's fine. Thank you. Sorry for the
20 interruption.

21 MR. IRBY: That's okay.

22 Q (By Mr. Irby) Ms. Hays, where did you grow up?

23 A I grew up in Little Rock and I also have lived
24 in Mountainburg, Arkansas and then we moved back to
25 Little Rock.

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1 Q Did you graduate from high school?
2 A Yes.
3 Q Where?
4 A At Hall High.
5 Q In Little Rock?
6 A Uh-huh.
7 Q What years were you in Mountainburg?
8 A I was about 5 -- about 5 to 7. It was about 3
9 years or so.
10 Q You've lived most of your life in Little Rock --
11 A Yes.
12 Q -- growing up?
13 A Yes, sir.
14 Q What year did you graduate high school?
15 A 1999.
16 Q After high school, what did you do?
17 A I went to college for 2 years.
18 Q What college?
19 A UALR.
20 Q Did you get a degree from UALR?
21 A No, sir.
22 Q Were you studying something in particular at
23 UALR?
24 A I was doing computers. Getting -- first I did
25 art. That was -- you know. And then I switched to

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1 computers for a major.

2 Q So you went to UALR starting the fall of '99 and
3 stayed there for 2 years?

4 A Yes. Yes, sir.

5 Q Where did you go after you left UALR?

6 A My -- well, my husband, but he was my boyfriend
7 at the time -- Jason Hays -- we -- we moved to
8 Florida and we stayed there almost a year and then we
9 moved back here to Little Rock. So -- and then I
10 haven't been back to college since -- since, you
11 know, we moved to Florida and came back. So --

12 Q So you left -- when you left college, you went
13 with your then boyfriend, now --

14 A Husband.

15 Q -- husband, Jason --

16 A Yes.

17 Q -- to Florida?

18 A Yes. To Tampa -- well, St. Petersburg near
19 Tampa.

20 Q And why did you move to St. Petersburg?

21 A We just wanted to go there. And he -- his
22 brother was in the Navy and he was getting out and so
23 we figured we'd all live together. And we just
24 wanted a change, you know.

25 Q What did you do when you lived in St. Pete?

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1 A I worked for -- I did housekeeping at the
2 apartments we stayed. It was the LaQuint- -- I
3 forgot what it was called -- the apartments. But --
4 and he worked at pizza -- Pizza Hut.

5 Q Where is he from?

6 A He's from Little Rock.

7 Q So you -- did you live with Jason's brother --

8 A Yes.

9 Q -- in the same apartment?

10 A Yes.

11 Q So you and Jason -- what's Jason's brother's
12 name?

13 A Chris McGehee.

14 Q Chris McGehee?

15 A Uh-huh.

16 Q So you and Jason and Chris McGehee all lived in
17 an apartment in St. Pete?

18 A St. Petersburg.

19 Q St. Petersburg --

20 A Uh-huh.

21 Q -- from 2001 to when?

22 A Well, it would be 2003. It would be in 2003.

23 Q From '01 to '03 or did you start in '03?

24 A No. We left in 2003, but we didn't stay a whole
25 year. We decided to come back because we just

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1 couldn't afford it. And --

2 Q Gotcha'.

3 So did you do anything between UALR and going to
4 Florida? Did you have a job or --

5 A No, sir. I just -- because I just went to
6 college and I didn't work. You know, college was my
7 full-time.

8 Q Okay.

9 Let me just -- I'm just trying to get our time
10 line.

11 A Uh-huh.

12 Q So you graduated from high school in 1999?

13 A Uh-huh. Yes.

14 Q And you told me you went to college for 2 years?

15 A Yes.

16 Q So did you start -- so did you finish college in
17 2001?

18 A Yeah. It had to be probably around -- maybe
19 around 2001. Yeah.

20 Q So did you -- is it your recollection that right
21 after you left college --

22 A Of 2001 or 2. It was right around that time.

23 Q Is it your recollection that right after that
24 you moved to Florida with Jason?

25 A Uh-huh. With Jason. Yes.

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1 Q And you didn't have any jobs or did any
2 schooling in between UALR and --
3 A No.
4 Q -- moving to Florida, right?
5 A No.
6 Q And so you go to Florida and you were working as
7 a housekeeper?
8 A Yeah. House cleaning.
9 Q House cleaner for the --
10 A For the apartments --
11 Q -- apartment?
12 A Uh-huh. That we lived in.
13 Q We started to kind of talk over each other,
14 so --
15 A Yeah.
16 Q -- try to -- it's common. And I'll -- I'm not
17 picking at you. I just want to make sure we --
18 A Yes.
19 Q -- get everything down.
20 So you and Jason stay there for not quite a year
21 and move back?
22 A Yes.
23 Q And when you move back, where did you move?
24 A We moved to Tanglewood Apartments.
25 Q Is that in Little Rock?

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1 A Uh-huh. Yes, sir.

2 Q And was any- -- was anybody living there other
3 than you and Jason?

4 A No.

5 Q When you moved back to Little Rock, did you go
6 back to school or get a job?

7 A No. I got a job at the vet over there on Taylor
8 Loop. I was trying to remember his name. Rene
9 Laverne I think is the vet's name.

10 Q Rene Laverne?

11 A Yes. I worked for him.

12 Q And his office was out on Taylor Loop?

13 A Yeah. I was just -- I was just, you know,
14 doing, you know, like you walk the dogs and stuff
15 like that, you know.

16 Q And what about Jason? What was he doing?

17 A He -- he was doing asphalt for his father
18 because his father owns an asphalt company.

19 Q What's that company's name?

20 A Just Hays Asphalt, I guess.

21 Q All right.

22 So what -- what happened after -- did you --
23 you're not still working at the vet, I assume?

24 A No.

25 Q So what -- where did you -- what happened with
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1 your job -- what job did you take after the vet?

2 A I didn't. I just stayed home --

3 Q Okay.

4 A -- and he -- and he worked. So -- because we
5 moved -- we moved from -- and then we moved to Turtle
6 Creek Apartments and lived there for a while before
7 we got our house.

8 Q Okay.

9 So you left Tanglewood Apartments and moved to
10 the Turtle Creek Apartments?

11 A Uh-huh.

12 Q And when that happened, is that when you left
13 the job at the vet?

14 A Yes.

15 Q And was your husband still working for his dad's
16 asphalt company?

17 A Yes. Yeah.

18 Q Do you remember when in time this would have
19 been when you went to Turtle Creek? What year about?

20 A I think 2005.

21 Q And did you say you stayed in Turtle Creek until
22 you moved to Mayflower?

23 A Yes.

24 Q And when did you move to Mayflower?

25 A 2007. June.

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1 Q And when you moved to Mayflower, who moved with
2 you?

3 A Jason Hays.

4 Q Anyone else?

5 A No.

6 Q Were you two married at the time?

7 A No.

8 Q When did you get married?

9 A 2009. April. April 26th, 2009.

10 Q When you-all moved out to Mayflower, as I
11 understand it, you -- you weren't working then,
12 right?

13 A No, sir.

14 Q Okay.

15 Have you had any jobs since you've been in
16 Mayflower --

17 A No.

18 Q -- outside the home?

19 A No, sir.

20 Q Was Jason, when you moved to Mayflower, still
21 working for his dad's asphalt company?

22 A He got a job at the airport and then eventually
23 he got a job working for Amtrak.

24 Q Okay.

25 What did he do at the airport?

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1 A I think he was like fixing the security gates
2 and stuff like that because he had an electronic
3 degree.

4 Q And then after that he went to Amtrak?

5 A Uh-huh.

6 Q What was he -- when -- what did he do for
7 Amtrak?

8 A He's a conductor.

9 Q Does he still work for Amtrak?

10 A Yes.

11 Q How long do you think he's been working for
12 Amtrak?

13 A Since -- yeah. Since we got married. It was
14 2009.

15 Q Other than 2 years at UALR, have you ever gone
16 for any other training or education?

17 A No, sir.

18 Q Do you hold any certificates or licenses?

19 A No, sir.

20 Q Any military service?

21 A No, sir.

22 Q Do you have any children?

23 A No, sir.

24 Q Have you ever been married to anyone other than
25 Jason?

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1 A No, sir.

2 Q Do you have any relatives in Faulkner County

3 other than your husband?

4 A No, sir.

5 Q Have you ever filed for bankruptcy?

6 A No, sir.

7 Q Have you ever made any kind of claim for injury

8 as a result of a work accident or any other accident?

9 A No, sir.

10 Q Are you on any medicine right now?

11 A Yes.

12 Q What do you take?

13 A I'm taking Zoloft, clonazepam am and I'm taking

14 hydrocodone.

15 Q What's your Zoloft for?

16 A It's anxiety, obsessive/compulsive and

17 depression. So --

18 Q And who treats you for those conditions?

19 A Robert Rice.

20 Q Where is Dr. Rice's facility?

21 A It's over there -- it's -- it's not Alders- --

22 Aldergate -- you know, off Kanis -- but it's that

23 second street after that.

24 Q In Little Rock?

25 A Yes.

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1 Q Do you know the name of his shop?
2 A It's Rice Clinic.
3 Q How long have you been going to see Dr. Rice?
4 A Since February.
5 Q This past -- this February?
6 A Yes. Because I was seeing another doctor and I
7 think he was getting ready to retire so I switched.
8 Q Who was your doctor before Dr. Rice?
9 A Jim -- I can't pronounce his name. It's -- I
10 know it's A-U-K- -- it's Auklis. I -- I can't
11 pronounce it.
12 Q Can you spell it? A-U-K- --
13 A No. I can't spell it, but he's at Living Hope.
14 Q He's at Living Hope?
15 A Yeah.
16 Q And how long were you treated by Dr. Jim?
17 A About 3 years.
18 Q Was -- was he the doctor -- is that the first
19 time you were diagnosed with any of these conditions
20 or had you seen other doctors before Dr. Jim at
21 Living Hope?
22 A I seen another doctor before him. Dr. Stinnet.
23 Q Dr. what?
24 A Dr. Stinnet.
25 Q "Stinnet?"

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1 A Uh-huh.
2 Q Where is he?
3 A At St. Vincent's.
4 Q Is he the doctor who originally diagnosed you
5 with --
6 A (Witness nods head up and down.)
7 Q -- the anxiety and depression, obsessive --
8 A Yes.
9 Q -- compulsiveness?
10 A Uh-huh.
11 Q And when about -- how old were you when that
12 occurred; do you remember?

13 THE WITNESS: When I started getting --
14 MR. IRBY: Uh-huh.

15 THE WITNESS: -- that stuff?
16 A I've been like that pretty much my whole life.
17 Q (By Mr. Irby) Have you been seeking -- have you
18 been getting medical attention for those types of
19 conditions?
20 A I didn't before until Stinnet.
21 Q Until Stinnet?
22 A Uh-huh.
23 Q Was that before or after you moved to Florida?
24 A That was after. After -- after -- after we
25 moved to Florida.

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1 Q Was it before or after you moved to Mayflower?

2 A Yes.

3 Q Which one?

4 A Uh-huh.

5 Q Before -- before or after?

6 A After.

7 Q After Mayflower?

8 A Yeah.

9 Q Okay.

10 What about your marital -- were you seeing Dr.

11 Stinnet before you got married?

12 A No. We were married.

13 Q So do you remember when you first began seeing

14 him? Was it -- you said, I think, that you saw Dr.

15 Jim at Living Hope. Started seeing him about 3 years

16 ago?

17 A Yeah. It was around 2013 or at the end of that

18 year. I was seeing Stinnet like at -- starting at

19 2010.

20 Q Okay.

21 And have you been on -- since 2010 have been on

22 some sort of anxiety-type medication --

23 depression-type medication?

24 A Yes. The same thing.

25 Q Same thing? All right.

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1 You also said that you were on chlorpheniramine?

2 A Pam.

3 Q Pam.

4 What is that for?

5 A Anxiety.

6 Q And is the same doctor prescribing that

7 medication --

8 A Uh-huh.

9 Q -- as the other?

10 A Uh-huh.

11 Q Zoloft?

12 A Yes, sir.

13 Q What about the hydrocodone?

14 A That's for my migraines.

15 Q Okay.

16 Who is prescribing that?

17 A Angela Lovett.

18 Q Angela --

19 A Angela Lovett.

20 Q "Lovett?"

21 A Uh-huh.

22 Q Where is Dr. Lovett?

23 A She's on Rodney Parham like across from

24 Breckenridge -- not that way, but the other way in a

25 little white building. So she's right there real

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1 close to Breckenridge.
2 Q Okay.
3 How long have you been seeing her?
4 A Three (3) years.
5 Q Is she your -- is she a family doctor or is she
6 -- what's --
7 A She --
8 Q What's her specialty?
9 A She's a pain specialist. Migraines.
10 Q Did you get referred to her or did you just --
11 A Yeah. By my primary doctor.
12 Q Who is your primary?
13 A Steve Simpson.
14 Q And where is his shop?
15 A St. Vincent's Family Clinic on Rodney Parham.
16 Q How long have you been on hydrocodone?
17 A For 3 years -- well, I did -- I did have it
18 before, too, I think -- no. Yeah. I did with --
19 with Stinnet.
20 Q Stinnet had you on it, too?
21 A Uh-huh.
22 Q So is this something you take once a day? Twice
23 a day?
24 A Yeah. Just whenever -- you know, when my
25 migraines or stuff is -- headaches.

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1 Q And was Dr. Stinnet -- was that for your
2 migraines --

3 A Uh-huh.

4 Q -- too?

5 A And I have problems -- female -- related to pain
6 down there so that's what that was for.

7 Q But you had -- you've been taking hydrocodone
8 for 5 or so years?

9 A Yeah. Because I have -- I have a lot of female
10 pain, you know, which is --

11 Q All right.

12 Any other medications other than the two
13 anxiety-type -- Zoloft and chlorazepam and the
14 hydrocodone?

15 A That's all. And -- and -- oh. Naproxen. I
16 forgot. Angela Lovett prescribed Naproxen for my
17 arthritis. I forgot about that.

18 Q Is that something you recently started?

19 A Yeah. Uh-huh.

20 Q What -- what type of arthritis do you have?

21 A It's -- I have arthritis in my thumbs and I
22 broke my middle finger and it aches a lot. And I
23 kind of hurt a little bit.

24 Q Is it just something for the pain?

25 A Yeah. It's just to help with my arthritis.

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1 Q Have you ever had any surgeries?

2 A Yes. I did. I had a cyst on my -- on my right
3 wrist.

4 Q And did they remove it?

5 A And I had one a long time ago when I was a
6 kid -- something with my nose because I couldn't
7 breathe when I'd eat and stuff.

8 Q So was the cyst on your right wrist something
9 when you were an adult?

10 A Uh-huh.

11 Q And it was removed?

12 A Yeah. It was 2006.

13 Q Who was your doctor or where did you get it
14 done; do you remember?

15 A Oh. I forgot her name. It's -- it's close to
16 over there where the women's -- over there on
17 University. Kind of where the old Sears --

18 Q Uh-huh.

19 A -- was and stuff. Over in that building.

20 Q Right across from kind of the Doctors' Building
21 right there --

22 A Yeah.

23 Q -- that's kind of catty-corner from St.
24 Vincent's?

25 A Yeah. Well, not that one, but it's behind.

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1 There's another --

2 Q And there's that little about seven-storey
3 building?

4 A Yeah.

5 Q Okay.

6 And you said you had some kind of a nose
7 condition when you were a kid that you had to have
8 surgery on?

9 A Yeah. It was -- I just couldn't breathe out of
10 it when I would eat and stuff. Like adenoids or
11 something like that I think is what they called it.

12 Q Any other surgeries?

13 A No.

14 Q Ever been admitted to the hospital?

15 A No.

16 Q Anything about the medications you're on that
17 prevent you from being able to understand and respond
18 truthfully to my questions today?

19 A No.

20 Q Okay.

21 Do you smoke?

22 A Yes.

23 Q How much do you smoke?

24 A Just a pack, pack-and-a-half. Usually a pack.

25 Q Pack, pack-and-a-half a day. Usually a pack?

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1 A Yeah.
2 Q How long have you been smoking?
3 A I've been smoking for 9 years.
4 Q And what -- what's your -- do you have a flavor
5 of cigarette of choice?
6 A Marlboro's.
7 Q Marlboro Red?
8 A Marlboro Lights.
9 Q Do you drink any alcohol?
10 A No.
11 Q What about any other kind of drugs?
12 A No.
13 Q Are you on any kind of disability?
14 A I applied for it.
15 Q When did that -- when did you apply for it?
16 A Last summer.
17 Q And what --
18 A In 2014.
19 Q Has it been accepted or rejected?
20 A It had been rejected, but I got a lawyer.
21 A And --
22 Q You're trying to appeal it?
23 A (Witness nods head up and down.)
24 Q Who is your lawyer?
25 A Morgan & Morgan.

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1 Q Morgan & Morgan?

2 A Uh-huh.

3 Q What was your disability?

4 A Just for the migraines and the -- and my anxiety

5 and I have a mental function problem. I shut down

6 and stuff. I can't handle pressure. And, you know,

7 just I can't handle --

8 Q Is the --

9 A -- the anxiety and everything.

10 Q Is the mental function problem something

11 that's -- does that have a name or diagnosis or is it

12 just something you --

13 A Yeah.

14 Q You experience?

15 A It's like a mental function disorder like where

16 I just can't -- you know, freak out and stuff like

17 that all the time.

18 Q And are you being treated by Dr. --

19 A And obsessive/compulsive. You know, just stuff

20 like --

21 Q Are you being treated for the mental function

22 disorder by Dr. Rice, too?

23 A Uh-huh.

24 Q Have you ever been convicted of a felony?

25 A No.

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1 Q All right.

2 Tell me about the day of the oil spill that was
3 March 29, 2013. Where were you when you first found
4 out about it?

5 A I was driving to the grocery store and I started
6 smelling this bad odor and it started making me
7 having headaches and I started feeling kind of
8 sick -- nausea, dizzy. And I just couldn't tolerate
9 the smell.

10 Q So you were actually in the vehicle driving to
11 the grocery store --

12 A Yeah.

13 Q -- when this happened?

14 A Yeah. When it first happened.

15 Q And when -- were you driving from your house to
16 the grocery store?

17 A Yeah. To the nearest grocery store by my house.

18 Q And that's that one that's --

19 A Harp's.

20 Q I think it's a Harp's now?

21 A Uh-huh.

22 Q So you -- so you were at 36 Ledrick. You need
23 to go to the grocery store. So you drive to the
24 grocery store --

25 A Uh-huh.

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1 Q -- and at some point during that drive is when
2 you first smelled the odor?

3 A Yes. It's --

4 Q Okay.

5 You --

6 A It must have just started because I -- you know,
7 it just started that day when I drove.

8 Q Do you remember when in the day it was?

9 A It was in March, 2013.

10 Q Yes, ma'am. I was -- I'm sorry. My question
11 probably wasn't very clear.

12 A Yeah.

13 Q Do you remember what time of day? Afternoon?
14 Evening? Morning? What's your recollection?

15 A Probably around 2:00. About 2:00 o'clock. You
16 know, afternoon.

17 Q So you -- I think you told me that you started
18 smelling it while you were driving. Do you remember
19 like -- it's a relatively short drive?

20 A Uh-huh.

21 Q Do you remember where it was that you first
22 smelled it? Like what road you were on or --

23 A Near -- kind of started where Sonic is on that
24 street.

25 Q Okay.

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1 So you smell this odor and it starts causing
2 this reaction and what do you do next?
3 A Well, I went to the store and I didn't know what
4 was going on at the time. So I just went ahead and
5 got some groceries and went back home. And then it
6 started getting worse and worse with the odor and
7 everything.

8 Q When you were at the store or on the way to the
9 store, did you see anybody, you know, working, or --
10 you know, crews or anything?

11 A Yeah. There -- yeah. They were working. I
12 guess the employees, or what --

13 THE WITNESS: Is that what you mean?

14 MR. IRBY: No.

15 Q (By Mr. Irby) I was talking about like people
16 that you may not have known what they were doing now,
17 but they looked like they may have been road crews or
18 something that seemed to be working on the oil spill.
19 Did you see any of those people on this trip?

20 A No.

21 Q Okay.

22 A Huh-uh.

23 Q So you -- you smell it on the way to the grocery
24 store. You go to the grocery store. You get the
25 groceries and then you go back home?

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1 A Yeah.
2 Q Do you remember smelling it in the grocery
3 store?

4 A Yeah. It was inside, too.
5 Q Did you talk to anybody or visit with anybody
6 about, you know, what was going on?

7 A Yeah.

8 Q Or just wondering?

9 A I just asked, but they didn't know what was
10 going on at the time.

11 Q You're talking about just some employees or the
12 checker --

13 A Yeah.

14 Q -- or something?

15 A Yes.

16 Q So you go back home, unload your groceries. I
17 guess was your husband at home?

18 A He was -- I think he was working at that time.

19 Q So what's your -- what do you remember doing
20 next after you get back home, if you remember
21 anything?

22 A I just remember just having to deal with that
23 smell and -- and I started getting -- feeling more
24 sick, you know. Feeling -- started kind of feeling
25 nausea. Dizzy.

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1 Q Uh-huh.
2 A And started getting headaches. And as it
3 progressed, you know, the next day it just got worse,
4 my headaches. And I threw up. And I -- you know,
5 like I just --
6 Q Did you stay at home --
7 A Yeah.
8 Q -- that night?
9 A Yes.
10 Q The night of the spill?
11 A Yes.
12 Q And so you remember continuing to smell it and
13 you said that your headaches --
14 A Well, and I did kind of start kind of coughing
15 and wheezing, too.
16 Q That -- did Jason come home that --
17 A Uh-huh.
18 Q -- evening?
19 A Uh-huh. Yeah.
20 Q What time do you remember him coming home?
21 A Probably about midnight or so because he -- he
22 works at night. So -- because his train goes to
23 Marshall, Texas. So --
24 Q So he was working and he -- a regular day?
25 A Uh-huh.

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1 Q And he came home some time his regular time
2 around midnight?

3 A Yeah. Yes, sir.

4 Q But you stayed in the house the whole night,
5 right?

6 A Yes.

7 Q And you were -- I think you told me you would --
8 you felt some nausea and headaches and coughing and
9 wheezing?

10 A Uh-huh.

11 Q Right?

12 A Yes.

13 Q Did you throw up at any point that day -- the
14 first day?

15 A Yes.

16 Q Okay.

17 How many times?

18 A Because it -- a couple of times.

19 Q Did you take any medicine for your nausea?

20 A No.

21 Q Did you take any medicine for the throwing up?

22 A No.

23 Q Did you take any medicine for the coughing and
24 the wheezing?

25 A No.

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1 Q Did you take any of your -- did you take another
2 hydrocodone for your headache or anything like that?

3 A No.

4 Q Did you -- do you remember -- different people
5 have different schedules. Do you -- are you kind of
6 a night owl or a morning person?

7 A I kind of -- I'm up at -- during the day, but
8 then I nap because I have to, you know, be awake when
9 he comes home so I can do his laundry and stuff like
10 that.

11 Q That's -- that's kind of -- I guess that's what
12 I was getting at. You normally --

13 A So --

14 Q -- don't -- you're awake when he gets home?

15 A Yeah. Comes home at night and it's day. Yeah.
16 Weird schedule.

17 Q Do you remember him getting home that first
18 night of the oil spill?

19 A Yeah. He was wondering what the smell and
20 everything was. And then he started getting
21 symptoms, too.

22 Q What symptoms did he start getting?

23 A That -- kind of the same as me.

24 Q Do you remember him taking any kind of
25 medication for them?

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1 A I can't remember.

2 Q Had you talked to anybody about what was going

3 on after your visit to the grocery store?

4 A No.

5 Q Do you have -- on Ledrick, do you know -- do you

6 have like neighbors that you talk to regularly, or --

7 A I have two neighbors beside me that I talk to,

8 but we -- we just didn't know what was going on.

9 Q You didn't talk to them about it that night --

10 what was going on?

11 A No. Not -- not during that day.

12 Q Yeah.

13 A But maybe the next day.

14 Q Sure. And I'll get the next day in a second.

15 But that day, you don't remember visiting with

16 anybody?

17 A Huh-uh.

18 Q Is that right?

19 A Huh-uh.

20 Q Do you remember like checking out the news or

21 getting on the Internet?

22 A Yeah. When I saw the news, then I figured --

23 and then that's when I knew it was an oil spill.

24 Q Did anybody come to your house that first night

25 knocking on the door telling -- you know, saying what

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1 was going on --

2 A (Witness shakes head from side to side.)

3 Q -- or police or --

4 A No.

5 Q All right.

6 So you go to bed, I assume, after your husband
7 gets home?

8 A Uh-huh.

9 Q Right?

10 A Yes.

11 Q And wake up the next day.

12 What do you remember about that next Saturday?

13 A Everything was getting worse. And the smell,
14 you know, was getting into the house. Couldn't get
15 rid of the smell. And I believe that the oil, you
16 know, got worse -- you know, progressed into my --
17 into my -- I have a ditch right there because we're
18 right there where -- where that neighborhood was
19 affected. So -- and I believe it got into my
20 property.

21 Q Okay.

22 You think that was on Saturday?

23 A I think so. Yes.

24 Q All right.

25 Let me show you a map I've got of --

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1 A I'm pretty sure -- I believe so.

2 Q Let me -- I've just printed off an overhead from
3 Google.

4 A Uh-huh.

5 Q Sometimes these things are right on the
6 addresses, but sometimes they're wrong. So -- but
7 I'd like you to look at it and see if you if
8 recognize your house. Okay?

9 A Okay.

10 MR. IRBY: And I'm going to mark this
11 Exhibit 1.

12 (THEREUPON, Exhibit No. 1 was marked for
13 identification and is attached hereto.)

14 Q (By Mr. Irby) Do you see your house anywhere on
15 that -- in the neighborhood?

16 A Right there (indicating).

17 Q Do you mind circling it with that pen for me?

18 THE WITNESS: Well, why does it say
19 "Frederick" because it's supposed to be
20 Ledrick.

21 MR. IRBY: Like I said -- I mean, I don't
22 know. I didn't make it. Google did.

23 THE WITNESS: Yeah. It says "Frederick"
24 for some reason.

25 Q (By Mr. Irby) But that -- what do you think
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1 is -- what are you saying should be Ledrick?

2 A It -- that's what our address is --

3 Q Okay.

4 A -- is Ledrick Circle.

5 Q Well, circle your house and we'll go from there.

6 I'm just making sure. There, but I don't know why it
7 says "Frederick."

8 Q Okay. All right.

9 So you circled a house kind of on the -- on the
10 I guess northwest side of the neighborhood, and
11 there's a ditch you said that runs behind your home?

12 A Yes.

13 Q Can you kind of draw a line -- a red line where
14 the ditch is?

15 A (Complies.)

16 Q All right. Thank you.

17 And does it run --

18 THE VIDEO PHOTOGRAPHER: You need to put
19 your mic back on.

20 MR. IRBY: Yeah. Thank you, Mike.

21 THE WITNESS: Oh. I thought you were
22 talking to me.

23 MR. IRBY: It was me. I'm the guilty
24 party.

25 THE WITNESS: Okay.

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1 Q (By Mr. Irby) And does that ditch -- do you
2 know where it begins? Does it run -- where does it
3 run to or from?

4 A It runs to the main street. It goes all around
5 our neighborhood to the main --

6 Q It goes to Main Street?

7 A Yeah. Into the main street.

8 Q Okay.

9 And so -- I'll let you look at it while I'm
10 talking to you about it.

11 A Okay.

12 Q Do you know where the ditch begins -- if it runs
13 to the main -- to Main Street, do you know where the
14 other end is?

15 A I think it runs all behind our -- all of the
16 houses in my neighborhood.

17 Q Kind of runs all the way --

18 A Yeah. Because --

19 Q -- behind your neighborhood?

20 A -- it's used for rain and -- so it won't
21 flood --

22 Q Uh-huh.

23 A -- our yard.

24 Q Uh-huh.

25 Does the ditch always have water in it?

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1 A Yes. It has water. Uh-huh.
2 Q And does it dry --
3 A But not all -- I mean, when it rains, yeah. It
4 definitely has water.
5 Q But if it hadn't rained in a while, it kind of
6 dries up; is that right?
7 A A little bit. Yeah.
8 Q So does your ditch run into North Woods?
9 A North Woods.
10 Q North Woods -- do you know the North Woods
11 Subdivision which is where the oil spill happened?
12 A Oh, that.

13 THE WITNESS: Are you talking about it
14 runs --

15 MR. IRBY: Yeah.

16 THE WITNESS: The ditch goes --

17 A No. I don't think so.

18 Q (By Mr. Irby) Why do you believe that oil got
19 into that ditch?

20 A Because the oil was affected right there --
21 right close to my house so I believe -- because when
22 it rains and stuff I believe that the oil got into
23 there.

24 Q Okay.

25 Did you ever see any oil in it?

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1 A No. I didn't see it, but I believe that it did.
2 I didn't want to -- I just didn't want to go back
3 there.

4 THE VIDEO PHOTOGRAPHER: I think you've
5 got your mic covered up.

6 THE WITNESS: Oh.

7 THE VIDEO PHOTOGRAPHER: Sorry.

8 Q (By Mr. Irby) Has anybody, to your knowledge,
9 gone down to that ditch behind your house and taken
10 any samples to see if there was any oil in it?

11 A Not that I'm aware of.

12 Q Has anybody, to your knowledge, gone down to the
13 ditch and taken any pictures of oil in the ditch?

14 A Not that I'm aware of.

15 Q All right.

16 So we were -- we -- we kind of -- we were going
17 through the day. So the Saturday you wake up. Did
18 you go anywhere the Saturday after the oil spill?

19 A No. I --

20 Q Stayed home?

21 A -- just didn't feel good.

22 Q What about your husband?

23 A No. He didn't either. No.

24 Q Does he work -- he works nights you said?

25 A Uh-huh.

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1 Q Did he --

2 A Because he had to sleep. He had to sleep.

3 Q Right.

4 So he probably normally doesn't wake up until
5 what time? If he gets home at midnight, what time
6 does he usually wake up?

7 A Usually he'll get to bed about -- he'll stay up
8 for a little while -- about 11:00 and then go to bed
9 like midnight sometimes. Sometimes he'll get up and
10 then go back to bed.

11 Q Okay.

12 A So --

13 Q And do you -- does he usually work Monday
14 through Friday or does he have weekend shifts?

15 A He -- he works Sunday mornings, Tuesday
16 mornings, Thursday mornings and he's off Friday and
17 Saturday -- and partly Saturday because he has to go
18 in Sunday.

19 Q Okay.

20 So on the Saturday, do you know -- do you
21 remember whether he went to work that Saturday night?

22 A Yeah. He did.

23 Q But you-all didn't do anything else? I mean,
24 your recollection is you and he stayed at home on
25 Saturday until he went to work?

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1 A Uh-huh.
2 Q And you stayed home --
3 A But I believe --
4 Q -- all day?
5 A I believe so. He went to work.
6 Q Yeah.
7 A So --
8 Q What do you remember -- do you remember talking
9 to anybody on that Saturday about the -- what was
10 going on about the spill other than your husband?
11 A Not really. Just -- I mean, just talking to
12 neighbors. Just wondering what's going -- you know,
13 what happened. You know.
14 Q Do you remember anything in particular about
15 what was said between you and the neighbors or just
16 kind of --
17 A No. Just -- we were just wondering.
18 Q Who is your neighbor that you talk to?
19 A James.
20 Q James?
21 A Yeah. James.
22 Q Do you know James' last name?
23 A No. I usually just remember him by his first
24 name.
25 Q Sure.

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1 A I know it, but -- I'm trying to remember his
2 last name -- and his wife, you know, Cynthia.

3 Q And are they -- looks like there's a house on
4 either side of you. Which --

5 A Yeah. It's --

6 Q Which side are they on?

7 A They're -- well, they're right there
8 (indicating).

9 Q Okay.

10 So if you're standing facing --

11 A Uh-huh.

12 Q -- your house, they're on the right?

13 A Yes.

14 Q Do you know who your neighbor on the left is?

15 A It's Cynthia and I can't remember her last name
16 either.

17 Q So you have --

18 A It's right there on the other side.

19 Q Just so I -- I just want to make sure I'm
20 understanding.

21 MR. GATES: You're covering the --

22 THE WITNESS: The --

23 Q (By Mr. Irby) So is James married to Cynthia?

24 MR. GATES: You were covering up the mic.

25 THE WITNESS: Oh, okay. Sorry.

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1 Q (By Mr. Irby) Is James married to Cynthia?
2 A Yes.
3 Q And then there's another Cynthia on the other
4 side?
5 A Uh-huh. Oh. Catherine. I meant Catherine.
6 Sorry.
7 Q Okay.
8 A Catherine. Sorry.
9 Q I was thinking "Cynthia" was a popular name in
10 the neighborhood.
11 A I know. I meant Catherine. Sorry.
12 Q No problem. All right.
13 Do you remember anything -- that day that you're
14 at home on Saturday anything in particular about that
15 day other than visiting with neighbors?
16 A Not really. Just --
17 Q Were you -- .
18 A Just not feeling too good, you know.
19 Q Were you experiencing -- what -- what symptoms
20 were you experiencing that next day?
21 A About the same and my headaches were getting
22 worse and worse. And I could tell in my chest was
23 getting worse, too. Progressing.
24 Q And did you -- you were on migraine -- I think
25 medication at the time, right?

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1 A Well, yeah. Well, I got migraines from Angela
2 Lovett because migraines started after all this
3 happened.

4 Q Okay.

5 I thought you had told me that Dr. Stinnet also
6 prescribed you migraine medication?

7 A Well, it was for this --

8 Q Okay.

9 A -- is what I meant because I have a lot of pain.
10 Q Okay.

11 So you haven't been --

12 A But I kind of had like headaches but nothing
13 serious.

14 Q Did you go see doctors -- did you go see Dr.
15 Stinnet for headache problems in addition to your
16 other problems?

17 A It was more -- more -- more the anxiety and
18 stuff.

19 Q So what was he prescribing you hydrocodone for?

20 A For my -- my period. I have pain down there.

21 Q So the -- I think you told me that you --

22 A Because I kind of had headaches, but not -- not
23 like what I have now after this happened.

24 Q So you still -- you were having headaches when
25 you went to see Dr. Stinnet, right?

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1 A Uh-huh.
2 Q Is that yes?
3 A Yes.
4 Q And but now you say the headaches are worse?
5 A Yes.
6 Q Is that right?
7 A Yes.
8 Q And you had a prescription for hydrocodone at
9 the time of the spill, correct?
10 A Yes. Yeah. Or -- I'm trying to think. I don't
11 know if I did or not. No. I didn't. Huh-uh.
12 Q So when do you think you began taking -- having
13 a prescription for hydrocodone?
14 A In 2013.
15 Q When in 2013?
16 A About -- I think it was like March or May. Kind
17 of in the beginning of the year.
18 Q And which doctor first prescribed you
19 hydrocodone?
20 THE WITNESS: The first?
21 MR. IRBY: Uh-huh.
22 A It was -- well, it was when I was seeing my
23 gynecologist -- and I went blank on the name and he
24 retired, but he prescribed me a medicine because of
25 that -- because of that -- with my period, you know,

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1 because it hurts. McKelvey. Dr. McKelvey. That's
2 his name.

3 Q (By Mr. Irby) So -- so when did you -- which
4 doctor has prescribed you hydrocodone to treat your
5 headaches?

6 A Stinnet at first. But when -- but when my
7 headaches was getting worse and worse after -- after
8 this, I went -- then I went to Angela Lovett because
9 I was getting migraines and I hadn't had migraines
10 like this.

11 Q All right.

12 So we were talking about the day of the spill.
13 You told me about you were having headaches. You
14 were having the breathing problems.

15 A Uh-huh.

16 Q What else were you experiencing the day -- that
17 Saturday?

18 A You know, feeling dizzy and I just couldn't
19 sleep --

20 Q Anything else?

21 A -- because we had all this -- all the media and
22 all this stuff coming around behind our house. They
23 started coming around.

24 Q That the media was coming around behind your
25 house?

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1 A Well, the, you know, helicopters flying around
2 and then all the -- the workers, you know, with the
3 oil -- I guess with Exxon.

4 Q Were they behind your house or were --

5 A Yeah.

6 Q -- they in the other neighborhood?

7 A It was close. It was pretty close. And --

8 Q I guess my question is -- I know there were
9 workers in the neighborhood in North Woods. That's
10 where the spill happened.

11 A Uh-huh.

12 Q I understand that.

13 Were there ever workers on your property in your
14 neighborhood?

15 A Not -- not in my neighborhood. No. But they
16 were right there right by where -- touching my
17 property. I seen them out there in that other
18 neighborhood.

19 Q Right.

20 You saw them in the other neighborhood --

21 A Uh-huh.

22 Q -- but never in your neighborhood and never on
23 your property?

24 A Huh-uh.

25 Q Is that true?

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1 A Yes.

2 Q Did you -- on that Saturday, did you go to see a
3 doctor for any of the problems that you were
4 experiencing?

5 A No. When I called -- when I called Duncan, they
6 --

7 Q Don't tell me what you talked to Duncan about.

8 THE WITNESS: Oh.

9 MR. POINTER: And you didn't call us that
10 day anyway.

11 THE WITNESS: Yeah.

12 A But -- well, I -- I was concerned and so I went
13 to the Mayflower since everybody else was going there
14 with their problems.

15 Q (By Mr. Irby) How did you find out everybody
16 else was going to the Mayflower Medical Clinic for
17 their problems?

18 A Because my lawyer suggested that.

19 Q Don't -- try not to tell me what your lawyer
20 told you.

21 A Okay. Well, I was just suggested -- I was --

22 MR. POINTER: Yeah. Let's --

23 THE WITNESS: Just -

24 MR. POINTER: I mean -- because none of
25 that's right anyway. So, yeah. Move on.

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1 THE WITNESS: All right.

2 Q (By Mr. Irby) Okay.

3 So --

4 A But I just figured since everybody else had the
5 same symptoms as me that's why I went there.

6 Q Okay.

7 A It just made sense.

8 Q All right.

9 So had you -- but you didn't go to -- who did
10 you go see at Mayflower Medical?

11 A Angela Foster.

12 Q Is she a doctor?

13 A Uh-huh.

14 Q And -- but you didn't go see Dr. Foster on that
15 Saturday, right?

16 A No. Because she's not open on weekends.

17 Q And you didn't go see her -- and you didn't go
18 see any of your other doctors that Saturday for any
19 of your conditions, right?

20 A (Witness shakes head from side to side.)

21 Q Is that correct?

22 A Because -- no. Because I wasn't seeing those
23 other doctors except for Stinnet.

24 Q Okay.

25 You didn't go see any doctor on Saturday, right?

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1 A No.

2 Q And the next day is Sunday which is Easter
3 Sunday. Did you do anything on that Easter Sunday
4 that you can recall?

5 A I went -- I went over to my parents' house in
6 Little Rock.

7 Q Is that something that you-all get together on
8 holidays and that sort of thing?

9 A Yes, sir.

10 Q And did you come back to your house that night?

11 A Yes, sir.

12 Q Didn't go see a doctor on Sunday, I guess?

13 A No. No, sir.

14 Q Your husband was probably -- was he working that
15 Sunday?

16 A Yes, sir.

17 Q So you -- tell me about, you know -- do you
remember what -- anything in particular about the
18 next week. You come home that night. What do --
19 what are you experiencing?

21 A Everything getting worse.

22 Q Your condition?

23 A My symptoms. Yes. And with them out there
24 trying -- doing all that cleaning up or something,
25 there was too much noise and we couldn't sleep at

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1 all. There was so much noise and all these lights
2 everywhere. It was just -- it was hard for us to
3 sleep and it was just doing that continuous all day.
4 All night.

5 Q Did you ever -- did you ever move out of your
6 house?

7 A No.

8 Q When is the -- when is the first time that you
9 can remember going to see -- I think the first -- a
10 doctor for your -- any kind of condition you relate
11 to the spill? When was that?

12 A It wasn't too long after that when I started
13 getting worse and worse and worse.

14 Q What was getting --

15 A Probably about a week or so.

16 Q What was getting worse and worse and worse?

17 A My upper respiratory. Headaches.

18 Q What else?

19 A And feeling, you know -- and I was telling her I
20 was feeling nausea, you know, and dizzy. Messing
21 with -- and I could tell it was messing with my
22 sinuses.

23 Q And that's when you went to Mayflower Medical?

24 A Uh-huh. Yes, sir.

25 Q And had you ever been to Mayflower Medical

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1 before then?

2 A Yes. I had been there before.

3 Q And did you always go see Dr. Foster?

4 A Uh-huh. Yes, sir.

5 Q All right.

6 MR. IRBY: Why don't we -- we've been
7 going about an hour. Let's take a quick
8 break and we'll pick up here in a few
9 minutes.

10 THE VIDEO PHOTOGRAPHER: This will end
11 the video Part 1. We're off the record at
12 10:47 a.m.

13 (THEREUPON, after a short break was taken
14 from 10:47 a.m. to 11:08 a.m., the
15 proceedings resumed as follows, to-wit:)

16 THE VIDEO PHOTOGRAPHER: We're back on
17 the record at 11:08 a.m. This will begin
18 video Part 2. Please proceed.

19 Q (By Mr. Irby) All right. Ms. Hays, we were --
20 are you ready to keep going?

21 A (Witness nods head up and down.)

22 Q Okay.

23 We were talking about I think the week after the
24 spill is about where we were. And I think you had
25 told us that your recollection is that your symptoms

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1 were getting progressively worse and so --

? A Uh-huh.

3 0 -- eventually that led you to go see a doctor?

4 A Uh-huh.

5 Q Is that right?

6 A Yes.

7 0 And you went to Mayflower Medical Clinic, right?

8 A Yes, sir.

9 Q Have you ever gone to any other doctor other
10 than the doctor at the Mayflower Medical Clinic about
11 conditions you relate to the oil spill?

12 A I went to -- back to my primary doctor just to
13 get a second opinion.

14 O Who is that?

15 A Steve Simpson.

16 9 Steve Simpson?

17 A Uh-huh.

18 Q When do you recall going to see Dr. Simpson?

19 When in time?

20 A It was at least 4 months or 5 months after
21 because I was still having the upper respiratory and
22 having the headaches. And I just couldn't get over
23 that because I was wheezing and coughing just
24 constantly.

25 Q So your recollection is that was 4 or 5 months

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1 after the oil spill?

2 A Uh-huh.

3 Q Is that yes?

4 A Yes. Sorry.

5 Q And what did Dr. Simpson do for you? What --
6 did you and he talk about your health and the oil
7 spill --

8 A Yeah.

9 Q -- specifically?

10 A He -- he said definitely you have a -- bad upper
11 respiratory symptoms.

12 Q He said that you had a -- bad upper respiratory
13 symptoms?

14 A Yeah. It's pretty infected and everything.

15 Q You had an infection when you went to see --

16 A Infection.

17 Q -- Dr. Simpson?

18 A Yeah.

19 Q And what --

20 A And it turned -- and it started -- you know
21 because he could tell I was wheezing, you know, from
22 the sound of hearing my breathing.

23 Q And what did he -- did he say anything about the
24 oil spill?

25 A I mentioned to him about it --

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1 Q Did he --

2 A -- and he --

3 Q Did he say anything about it?

4 A He said it could cause, but he's not sure.

5 Because I told him -- I told him I had to go to the
6 Mayflower and I went to the Mayflower since everybody
7 else was going -- you know, going there in -- from
8 the oil spill.

9 Q Uh-huh.

10 A And so when I went to him to explain and I said
11 I just -- I can't -- I'm still having this upper
12 respiratory problem and the headaches and the
13 wheezing and coughing and couldn't stop.

14 Q Had you --

15 A And I had been on antibiotics and stuff and it
16 wouldn't go away. I even had cough medicine that,
17 you know, still didn't work.

18 Q And did Dr. Simpson give you some sort of
19 medication to help you?

20 A Yeah.

21 Q What did --

22 A Both --

23 Q -- he give you?

24 A -- of them did. They both gave me antibiotics
25 and cough medicine because I couldn't stop coughing

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1 and wheezing.

2 Q Okay.

3 Did Dr. Simpson's treatment help you?

4 A No. It still went on.

5 Q Okay.

6 When did it clear up?

7 A It started clearing up about -- going into the
8 next year it started getting a little better.

9 Q So you had a -- some sort of a --

10 A Because I had to go quite a bit because I -- you
11 know, to get medicine because I was just --

12 Q And who were you going to see for this medicine?

13 A I just started going to Steve Simpson after
14 because I just went to Angela Foster the first couple
15 of times, you know, when -- when the oil spill
16 happened -- when it first happened. So --

17 Q Did you -- do you still see Dr. Foster from time
18 to time?

19 A No.

20 Q Did you only see Dr. Foster those three times or
21 couple of times I think you said?

22 A I seen her -- I've seen her before like, you
23 know, before the oil spill a couple times. But --

24 Q And what did you see her for before the spill?

25 A A head cold.

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1 Q Head colds?

2 A Uh-huh.

3 Q Anything else -- did you see her for anything
4 other than head colds before the spill?

5 A No. Just being sick.

6 Q And I think you -- and you -- so you -- your
7 recollection is that you were -- you had some sort of
8 coughing, wheezing infection for -- from the oil
9 spill until some time --

10 A Yes.

11 Q -- in 2014 the next year?

12 A Uh-huh.

13 Q And you think that was all because of the oil
14 spill?

15 A I believe so. Uh-huh.

16 Q Has any doctor told you that?

17 A They -- they probably assume, but they didn't
18 exactly tell. But I know that -- I know that it to
19 me I felt that way because it was -- because I
20 haven't been that bad.

21 Q Okay.

22 So has any doctor ever told you that -- or any
23 medical care provider told you that any of the
24 conditions that you have are related to the oil?

25 A No. They just -- they just think so, but they

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1 didn't like say exactly like yes. But it could be.

2 Q Okay.

3 Why do you say they think so?

4 A Because with the way I keep coming in and my --
5 and my symptoms are not going away.

6 Q Right.

7 But, I mean, why do you think the doctor thinks
8 the oil caused your symptoms if they didn't tell you
9 that?

10 A Because -- because I wouldn't come in as much as
11 I do to the doctor. And they just knew I wasn't
12 getting over this infection --

13 Q Any --

14 A -- and my symptom.

15 Q Any other reasons why you -- why you think the
16 doctor thinks it's related?

17 A No. But I'm just saying I just had to go in
18 more -- way more than I always -- usually do because
19 I was just constantly sick. Not getting over it.

20 Q So you had gone to see the Mayflower Medical --
21 you had gone to Mayflower Medical Clinic a few times
22 before the oil spill --

23 A Yes.

24 Q -- for head colds?

25 A A couple of times. Uh-huh.

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1 Q You went to see them a few times after the oil
2 spill, right?

3 A Yes.

4 Q Have you -- other than those few times after the
5 oil spill, have you ever gone back to see them for
6 any other condition?

7 A No. That's why I went back to my primary
8 doctor.

9 Q All right.

10 Let me show you -- I've marked the group of
11 medical records that we got in response to some
12 written discovery requests. There's three different
13 visits here from Mayflower Medical Clinic.

14 MR. IRBY: I just marked them as one
15 exhibit, Rob.

16 MR. POINTER: Thank you.

17 Q (By Mr. Irby) And we'll just go through them
18 and I want to ask you about a few of them. Okay?

19 MR. IRBY: We'll mark that as No. 2.

20 (THEREUPON, Exhibit No. 2 was marked for
21 identification and is attached hereto.)

22 Q (By Mr. Irby) And you see, Ms. Hays, there
23 are -- there's about, oh, 9 pages here?

24 A Uh-huh. Yeah.

25 Q And the first -- there's one, if you look --
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1 your name is at the top, right? You see "Melissa
2 Hays?"

3 A Yes.

4 Q And the first visit date is April 11, 2013. Do
5 you see that, ma'am?

6 A Uh-huh.

7 Q Do you see where the date is?

8 THE WITNESS: April?

9 MR. IRBY: Yes, ma'am.

10 A Yeah.

11 Q (By Mr. Irby) April 11, 2013?

12 A Uh-huh.

13 Q Does that sound about right when the first time
14 you sought medical treatment following the spill?

15 A Yes.

16 Q And the provider here is Angela Foster, N.P. Do
17 you see that?

18 A Yes.

19 Q I think that may be a nurse practitioner. Do
20 you think --

21 A Yeah. She was a nurse -- yeah. Uh-huh.

22 Q So she's not a medical doctor?

23 A Yeah.

24 Q She's a practitioner?

25 A The Blair Greenwood is the main doctor, I think.

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1 Q Have you ever seen Dr. Greenwood for anything?

2 A I saw her once, but that wasn't for the oil
3 spill or anything.

4 Q Do you remember what Dr. Greenwood treated --

5 A Because Angela wasn't in at the time. Just
6 being sick.

7 Q Just being sick.

8 And if you go under the "HPI" section -- do you
9 see where I am?

10 A Uh-huh.

11 Q Says "Lives in subdivision that backs up to the
12 subdivision where the oil spill occurred. Did not
13 have to leave house. Has the span of the backyard
14 from subdivision where spill occurred." Do you see
15 that, ma'am?

16 A Uh-huh.

17 Q "Patient complains of head cold. This has been
18 a problem for the past 9 days. This is an acute
19 problem without chronic or recurrent episodes. Her
20 primary symptoms include chest congestion, productive
21 cough, bilateral ear pressure, maxillary facial
22 pressure, frontal headache, nasal congestion, nasal
23 itching, ocular tearing/itching, post-nasal drip and
24 clear rhinorrhea. She denies fever or sneezing. She
25 has already tried an antihistamine (Benadryl) and

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1 gualfenesin." Did I read all that right, ma'am?

2 Were you following along with me?

3 A Yeah.

4 Q And then it has -- there's an "ROS" section and
5 then it has "Constitutional" and it mentioned
6 "positive for chills and fever, low grade." Do you
7 see that?

8 THE WITNESS: But why does it say denies
9 sneezing?

10 MR. IRBY: It just says "She denies fever
11 or sneezing."

12 THE WITNESS: Well, but that's -- that's
13 what I was doing.

14 Q (By Mr. Irby) So the medical record is wrong
15 saying that you denied sneezing?

16 A Yeah.

17 MR. POINTER: Object to the form --

18 THE WITNESS: Uh-huh.

19 MR. POINTER: -- but you can answer the
20 question if you know that the medical record
21 is wrong or why it would be.

22 THE WITNESS: Uh-huh.

23 Q (By Mr. Irby) Is the medical record wrong,
24 ma'am?

25 A Yes. On that part.

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1 Q Is there any other incorrect spots in the HPI
2 that you can see?

3 A Yeah. Everything else is correct.

4 Q Okay.

5 Under "Constitutional," if you go to the next
6 paragraph, there's an "ROS" section. Do you see
7 where I am, ma'am?

8 A Yes.

9 Q And there's a "CONSTITUTIONAL" -- in all caps --
10 "Positive for chills (moderate) and fever (low
11 grade)." Do you see that?

12 A Uh-huh.

13 Q Do you remember -- do you remember having a
14 fever back then?

15 A I probably did, too. Because I don't know if it
16 was caused from that or not, but I had chills and
17 fever.

18 Q All right.

19 Let me flip over to the next page, if you don't
20 mind, with me. This is the same visit, the same
21 doctor -- with Practitioner Foster and there's a
22 section under "Current Medications" --

23 A Uh-huh.

24 Q -- about halfway through. Do you see that?

25 A Yes.

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1 Q And Clonazepam, 1 milligram tablet, 1 tablet
2 afternoon for anxiety. Do you see that, ma'am?
3 A Uh-huh.
4 Q Do you think that was correct at that time?
5 A Yes.
6 Q The Alprazolam tablet, 1 tablet daily as needed.
7 What was that for?
8 A Yeah. He did prescribe me that at first --
9 Stinnet. And I forgot about that, but it made me too
10 sleepy and tired so he put me on Clonazepam.
11 Q Is that another anti-anxiety --
12 A Yeah.
13 Q -- medication?
14 A Yeah. It's another anti-anxiety.
15 Q And next on your list of current medications was
16 the hydrocodone/acetaminophen.
17 A Uh-huh.
18 Q Do you see that?
19 A Yes.
20 Q Take 1 tablet by mouth -- is that every 4
21 hours -- is that what your prescription is --
22 A No.
23 Q -- once a day?
24 A It was just -- it was just when needed.
25 Q So you had a -- at the time of this visit at

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1 least you had your hydrocodone/acetaminophen --

2 A Uh-huh.

3 Q -- prescription?

4 A Right.

5 Q And then if you go to the very end here in
6 Practitioner Foster's --

7 THE WITNESS: Exam you said?

8 MR. IRBY: No, ma'am.

9 Q (By Mr. Irby) Under "Assessment." Do you see
10 where I am?

11 A Oh. Assessment.

12 Q Yes, ma'am.

13 She says "Assessment: Head cold." Do you see
14 that?

15 A Uh-huh.

16 Q Okay.

17 Do you see where I am, ma'am?

18 A Yeah.

19 Q And you had been to see Dr. or Ms. Foster before
20 for a head cold --

21 A Yeah.

22 Q -- before the spill, correct?

23 A Yeah.

24 Q And the next -- the next -- if you flip over I
25 guess two pages -- it's the next entry. The next
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1 visit April 18th, 2013, a week later. Do you see
2 where I am?

3 A April 18 -- or -- okay.

4 THE WITNESS: Where it says "CC" and
5 "HPI?"

6 MR. IRBY: Yeah. I'm just trying to make
7 sure we're on the same one.

8 Q (By Mr. Irby) Do you see the visit date, or --
9 is that April 18th?

10 THE WITNESS: So is it this one? Okay.
11 Yeah.

12 Q (By Mr. Irby) This would have been -- I guess
13 do you remember going to see Ms. Foster there a week
14 later?

15 A Uh-huh.

16 Q Does that sound about right to you?

17 A Yeah.

18 Q And under "HPI" here, we have "Patient complains
19 of head cold. This has been a problem for the past 3
20 weeks. This is an acute problem without chronic or
21 recurrent episodes. Her primary symptoms include
22 productive cough, nasal congestion, clear rhinorrhea
23 and sneezing. She denies fever. She has already
24 tried Tussinex and Medrol dose pack. Her backyard
25 backs up to the neighborhood where the oil spill

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1 occurred (Ledrick Circle)." Do you see that, ma'am?

2 A Uh-huh.

3 Q And if you flip over to the second page, she has
4 her assessment again at the end of a head cold. Do
5 you see that, ma'am, at the bottom?

6 A Uh-huh.

7 Q Okay.

8 Actually, go back, if you don't mind, to the --
9 your first visit the last page of April 11th -- I
10 think it's probably the fourth page of the exhibit.

11 A The fourth page --

12 Q You may be on it right there. Does that say
13 April 11th at the top, ma'am?

14 A Oh.

15 THE WITNESS: Back here?

16 MR. POINTER: It's the last page of the
17 first visit?

18 MR. IRBY: Yes, ma'am -- yes, sir.

19 THE WITNESS: Yes.

20 MR. IRBY: Sorry.

21 THE WITNESS: Yeah. Because that's why I
22 got confused.

23 MR. IRBY: Yeah. Okay. I'm sorry. I
24 forgot to ask you one thing.

25 Q (By Mr. Irby) On your first visit after the oil
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1 spill with Ms. Foster -- we've gone through the
2 conditions and the assessment already.

3 A Uh-huh.

4 Q Right?

5 A Yes.

6 Q And she has -- on this third page she had a
7 plan. Do you see where I am on the third page?

8 THE WITNESS: Plan?

9 MR. IRBY: "PLAN" in bold. It's kind of
10 in the middle.

11 A Yeah. She gave me a steroid shot, too, to help.

12 Q (By Mr. Irby) It says "Offered a steroid shot
13 and refused due to having lots of those shots as a
14 child." Do you remember?

15 A Oh, yeah. Yeah. Uh-huh.

16 Q Did you have -- why did you have a lot of
17 steroid shots as a child?

18 A Because, you know, when I got sick. And that
19 doctor, that's all he would just give me and it
20 didn't do anything when I get sick. Head colds and
21 stuff.

22 Q So as a child when you --

23 A And fevers.

24 Q -- went in with head colds and fevers you'd get
25 a steroid shot --

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1 A Yeah.

2 Q -- and that doesn't really help you any more?

3 A Huh-uh.

4 Q Is that correct? •

5 A Yeah. But she did -- she did give me a steroid

6 once. But --

7 Q All right.

8 So let's go to the last visit that we have from
9 Mayflower Medical in your discovery responses.

10 THE WITNESS: On which one?

11 Q (By Mr. Irby) Is -- it starts on June 18th,
12 2013.

13 A Uh-huh.

14 Q It's three pages from the back is the first page
15 of it.

16 THE WITNESS: June 18th.

17 MR. IRBY: Yes, ma'am.

18 Q (By Mr. Irby) It has visit date June 18, 2013.

19 A 2013. Okay.

20 Q So you went to see -- according to these records
21 at least, you went to see Ms. Foster --

22 A Uh-huh.

23 Q On April 11th and then again on April 18th and
24 then you didn't go back to see her until June 18th?

25 A Yeah.

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1 Q Does that square with your recollection?

2 A Yes. That's why I was saying I saw her a couple
3 of times.

4 Q And do you think Dr. Simpson was after this June
5 18th visit or --

6 A Yes.

7 Q -- before?

8 A After.

9 Q And so it says "HPI: Ms. Hays presents with
10 acute sinusitis. This has been a problem for the
11 past one to two days. This is an acute problem
12 without chronic or recurrent episodes. Her primary
13 symptoms include productive cough, bilateral ear
14 pain, frontal headache, nasal congestion, ocular
15 tearing and rhinorrhea. She has already tried
16 Allegra D. Complains about headaches since oil
17 spill. States that her backyard backs up to the land
18 where the oil spill happened." Do you see that?

19 A Uh-huh.

20 Q And you have the various consitutionals here and
21 then you have -- as we had previously on the second
22 page -- an assessment. Do you see that?

23 THE WITNESS: The second page?

24 MR. IRBY: It's the second page of that
25 one.

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1 THE WITNESS: On which one?

2 MR. IRBY: It's under "Assessment."

3 A Okay. Assessment. Yeah.

4 Q (By Mr. Irby) "Allergic rhinitis." Do you see
5 that?

6 A Yes.

7 THE WITNESS: What's rhinitis?

8 MR. IRBY: Well, I think it's like a
9 sinus problem, but I don't know.

10 THE WITNESS: Okay.

11 MR. IRBY: I'm not a doctor. Ask Ms.
12 Foster she can fill you in.

13 Q (By Mr. Irby) The plan, it says, on the third
14 page and final page --

15 A Okay. Plan.

16 Q "Start doing Claritin or Zyrtec to help with
17 allergies. Asking for Tussinex again. Smoker. And
18 refused a steroid shot." Do you see that?

19 A Uh-huh.

20 Q Does that sound correct to you?

21 A Yes.

22 Q And you never --

23 A Yeah. Because trying the Benadryl - you know,
24 she suggested that. So, you know, I would try that
25 and it didn't help.

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1 Q So --

2 A Because the Tussinex is for my coughing and for
3 my upper respiratory problems. That's why I had
4 gotten that.

5 Q So this was the last time you went to see
6 anybody at Mayflower Medical Clinic?

7 A Uh-huh.

8 Q Is that right?

9 A Yes.

10 Q And after that you went to see Dr. Simpson?

11 A Uh-huh.

12 Q Is that correct?

13 A Yes.

14 Q And have you ever gone to see any other medical
15 care provider for symptoms you relate to the oil
16 spill other than Dr. Simpson and --

17 A No.

18 Q -- Ms. Foster?

19 A No, sir.

20 Q Do you have any current condition that you
believe is somehow related to the oil spill?

22 A I'm still dealing with migraines and it's just
not going away at all.

24 Q Have you been diagnosed with migraine headaches?

25 A Yeah. She told -- that's what she -- that's
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1 when I -- because I started getting them after this
2 oil spill and it hadn't gone away. And I feel -- and
3 I just feel more depressed since this happened.

4 Q So why are you more depressed now?

5 A Because it's just with everything that happened
6 with the oil spill and everything.

7 Q What was it about the oil spill that caused you
8 to become more depressed other than the actual spill?

9 A I just feel like because -- you know, it was
10 just a lot of people left in that neighborhood. It's
11 not like -- the same like it used to be. I feel that
12 my property value has gone down, and -- because when
13 I -- when I lived -- when it was before that, it was
14 peaceful and everything was beautiful, clean air.

15 Can't even -- being scared to eat the fish out of
16 Lake Conway. And I don't drink the water. I don't
17 trust the water. I buy bottled water since then.

18 Q Anything else?

19 A That's it.

20 Q So you said a lot of people left the other
21 neighborhood --

22 A Uh-huh.

23 Q -- and that's contributed to your depression?

24 A It -- yeah. It just feels sad because we were a
25 whole community and everybody -- you know, it was

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1 just a nice place, peaceful place. And then after
2 all this, you know, there's no -- you know, we don't
3 see the animals like we usually do and the fishing.
4 I wouldn't even eat fish out of that Lake Conway.
5 And I truly believe that Lake Conway is still
6 infected because used to my husband would go fishing
7 out there.

8 Q All right.

9 Well, let me go through these and make sure we
10 get them all. So did you have friends in North
11 Woods?

12 A No.

13 Q Do you know anybody who moved out of North
14 Woods?

15 A No.

16 Q Do -- in your neighborhood, Ledrick Circle, has
17 anybody moved that was your friend due to the oil
18 spill?

19 A No.

20 Q You said that your husband used to go fishing at
21 Lake Conway?

22 A Uh-huh.

23 Q What did he fish for?

24 A Crappie. Catfish.

25 Q How often would he go fishing at Lake Conway?

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1 A Whenever he gets the chance. He'd go quite a
2 bit.

3 Q Well, is that something he would do every
4 weekend or once a month?

5 A Yeah. Like every weekend or sometimes he'll do
6 it like when he gets off work, you know, he might go
7 out.

8 Q So you're saying he hasn't fished Lake Conway
9 since the oil spill --

10 A Yes.

11 Q -- at all?

12 A Yes.

13 Q And he used to go out there every weekend?

14 A Yes. He used to go there quite a bit.

15 Q And does -- does he go fishing somewhere else
16 now?

17 A He goes to Toad Suck. He goes to Conway or the
18 river -- Arkansas River.

19 Q Does -- why do you think that Lake Conway still
20 has oil in it?

21 A I just believe so. I just don't trust.

22 Q Have you done any research -- looking on the
23 Internet to see whether or not there's been any
24 testing of Lake Conway?

25 A I did, but I still just believe that it's

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1 contaminated.

2 Q You understand, I guess, that the game & fish
3 has said that there was no oil in Lake Conway?

4 MR. POINTER: Object to the form. You
5 can answer if you know.

6 A I just -- I just believe -- I just -- in my
7 heart, I just believe that it's not clean and I don't
8 trust it.

9 Q (By Mr. Irby) Has -- any of the testing that
10 you saw on the Internet or from any other source,
11 what did it say about Lake Conway? Did it say that
12 it was clean or that it had oil in it?

13 A Well, they said it was clean and it's safe to
14 fish and stuff, but they still have -- it's -- they
15 still have a thing blocking off a certain area so how
16 am I going to believe that the water is clean.

17 Q Are you talking about that --

18 A They have that --

19 Q -- that little -- kind of that little cove area?

20 A They have like a -- yeah. And it got -- and
21 then they pushed it back more like to block off --
22 you know, not to use this part of the water so how do
23 I believe that the water is clean.

24 Q So because there was some -- some boom out in a
25 part of the lake --

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1 A Uh-huh.

2 Q -- that's why you don't believe what they say
3 about Lake Conway?

4 A Yeah.

5 MR. POINTER: Object to the form. You
6 can answer if you know.

7 Q (By Mr. Irby) Any other reason why you don't
8 believe what they say about Lake Conway?

9 A I just -- that's just what I say. That's what I
10 believe.

11 Q Did you ever go fishing?

12 A No. But I'll go out there with my husband
13 sometimes.

14 Q Where did he fish on Lake Conway?

15 A At different places. He has a boat, too. He
16 would go out on the boat.

17 Q What kind of boat does he have?

18 A Just a regular little fishing boat.

19 Q Have a motor on it?

20 A Yeah.

21 Q And there's a trailer and keep it at your house?

22 A It's at his dad's.

23 Q Where does his dad live?

24 A He lives in Mayflower, but he lives way out
25 where Jacksonville -- kind of Conway kind of thing.

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1 Way --
2 Q What's his name?
3 A Emmet Hays.
4 Q Emmet Hays?
5 A Uh-huh.
6 Q Does your husband have any other relatives other
7 than Emmet Hays --
8 A He has a sister.
9 Q -- in Faulkner County?
10 A He has a sister.
11 Q Where does his sister live?
12 A Right by Emmet.
13 Q What his sister's name?
14 A Jenny.
15 Q Jenny Hays?
16 A Uh-huh.
17 Q All right.
18 You said that you don't drink the water?
19 A Huh-uh. Not at all.
20 Q Do you get city water?
21 A Yeah. It comes from Greers Ferry.
22 Q What --
23 A I think that's where it comes from, but it is
24 city water.
25 Q Do you think that the oil got to Greers Ferry?

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1 MR. POINTER: Object to the form. You
2 can answer.

3 A I don't -- I believe -- I just believe that it
4 got into the water because it's city water.

5 Q (By Mr. Irby) So the city gets their water from
6 Greers Ferry, right?

7 A Uh-huh.

8 Q Do you -- I mean, how do you think it got into
9 the city water?

10 A Well, it spilled all over the place. I just
11 believe it.

12 Q Have you ever seen any -- have you seen any kind
13 of report or anything that says that Mayflower city
14 water has got oil in it?

15 A No. But I just -- I just don't believe it. I
16 just don't trust the water.

17 Q You said that that you don't see the animals any
18 more. What animals are you talking about?

19 A Like ducks. Geese. And I had a cougar. And
20 birds started coming around more now, but they
21 weren't before.

22 Q Where -- where -- did you have ducks and geese
23 on your property?

24 A They just roam around. They're all around our
25 neighborhood.

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1 Q They just kind of roam around your neighborhood?

2 A Uh-huh.

3 Q And are they back now or did they go away for a
4 while, or --

5 A I haven't really seen them since then, but the
6 only ones I see is birds. Birds started coming back,
7 but that's it.

8 Q You said you had a cougar. Where did you have a
9 cougar?

10 A In my backyard.

11 Q You had a cougar in your backyard?

12 A Uh-huh.

13 Q On Ledrick Circle?

14 A Yeah.

15 Q When did you have a cougar in your backyard?

16 A When I first -- it was the first year I moved in
17 my house. It was November 2007.

18 Q Was it like in your backyard or --

19 A Yeah. Backyard.

20 Q And did you -- was it around from 2007 until the
21 oil spill?

22 A I'm sure it was hanging around there because we
23 have a lot of bobcats and cougars and stuff.

24 Q So when is the last time you saw the cougar --
25 you saw the cougar in 2007?

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1 A Uh-huh.

2 Q When is the last -- did you just see it that one
3 year or did you see it every year?

4 A I saw it that one time, but I believe it was
5 still around because I would hear stuff outside
6 because we do have bobcats and stuff out there, too.

7 Q When did you last hear a noise that you
8 associated with a cougar?

9 A Couple of years -- or maybe -- yeah. About a
10 couple years after that.

11 Q After what? After you saw it?

12 A Uh-huh.

13 Q All right.

14 Any other animals that you -- that you don't see
15 any more that you used to?

16 A Well, we had turtles, too. And finally they
17 started -- we finally saw at like this last year.
18 Used to, we'd see them quite a bit.

19 Q Are these like box turtles or are they turtles
20 in the ditch?

21 A Just I think regular turtles.

22 Q Are they the ones you can pick up and --

23 A Yeah.

24 Q -- they kind of swirl around --

25 A Yeah.

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1 Q -- on their little backs?

2 A Uh-huh.

3 Q Okay.

4 Like the ones when you're a little kid --

5 A Yeah.

6 Q -- and you put them in a cardboard box --

7 A Yes.

8 Q -- and feed them bologna and that sort of thing?

9 A Yes.

10 MR. POINTER: You fed them bologna?

11 MR. IRBY: Yeah.

12 THE WITNESS: I never fed mine bologna.

13 MR. IRBY: I never liked bologna. All
14 right.

15 THE WITNESS: And we have deer, too.

16 Q (By Mr. Irby) Okay.

17 You've got deer?

18 A Yeah.

19 Q Where do the deer come?

20 A They just come and go. And -- but I haven't
21 seen any since when the oil happened.

22 Q You don't remember seeing deer after the oil
23 spill?

24 A Huh-uh.

25 Q Do you have like a deer feeder or something that
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1 --

2 A I just -- I mean, I just -- I haven't seen any
3 deer since the oil spill.

4 Q Where would you see deer before the oil spill?

5 A See them around my neighborhood and kind of down
6 the road.

7 Q Down the -- what did you say? I'm sorry.

8 A Down the road.

9 Q Just around town?

10 A Uh-huh. Around town. Yeah.

11 Q And you don't remember seeing a deer since the
12 oil spill?

13 A Yeah. Well, I -- I didn't. I haven't seen a
14 deer since.

15 Q Okay.

16 A Since then.

17 Q Do you remember what -- when was the last time
18 you saw a deer before the oil spill?

19 A About -- not too long before. And we also had
20 rabbits, too. I'm trying to remember all the
21 animals -- rabbits.

22 Q Rabbits?

23 A Yeah. We used to have a lot of rabbits before
24 the oil spill.

25 Q Never see any rabbits now?

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1 A They started coming around finally. But after
2 that -- I mean, before -- you know, when the oil
3 spill happened, no.

4 Q You said that you think your property is worth
5 less now? Is that what I --

6 A I just believe so --

7 Q Have you gotten any kind of --

8 A -- because of this oil spill. That's what is
9 making me depressed and I know the value has gone
10 down. I just believe so.

11 Q Have you -- have you gone out to try to ask
12 anybody for their professional opinion on whether or
13 not the value is actually lower now?

14 A No. But I just believe that it is.

15 Q Did you ever call or talk to anybody from Exxon?

16 A No.

17 Q Did you ever go to any of these town hall
18 meetings that they were holding?

19 A No. Because I think I was -- I don't know if I
20 was around at the time because I would have if there
21 was.

22 Q Where would you have been?

23 A Probably went to a friend's or something.

24 Q I don't -- I didn't quite follow that.

25 A Like going to friends or family -- going out at

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1 the time.

2 Q At the time of any of the town hall meetings you
3 just don't believe you were in town?

4 A Huh-uh.

5 Q Is that right?

6 A Yes.

7 MR. IRBY: Let's take a quick break.

8 THE VIDEO PHOTOGRAPHER: All right.

9 We're off the record at 11:49 a.m.

10 (THEREUPON, after a short break was taken
11 from 11:49 a.m. to 12:00 p.m., the
12 proceedings resumed as follows, to-wit:)

13 THE VIDEO PHOTOGRAPHER: We're back on
14 the record at noon.

15 Please proceed.

16 Q (By Mr. Irby) Ms. Hays, just a few more
17 questions.

18 A Okay.

19 Q I asked about your husband's parents, but who
20 are your parents?

21 A My parents is John and Janet Hunley.

22 Q And where do they live?

23 A Little Rock.

24 Q Do you have brothers or sisters?

25 A I have a brother.

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1 Q What's his name?

2 A Lee Hunley. He lives in Little Rock.

3 Q Has there ever been, before or after the spill,
4 any appraisal of your property that you're aware of?

5 A No. Not that I'm aware of.

6 Q Was there ever any -- to your knowledge, was
7 there ever any air testing done on your property or
8 in your house?

9 A No, sir.

10 Q Your -- was -- was your property -- was your
11 neighborhood -- what do you call it? What's the name
12 of the neighborhood? Does it have a name?

13 A It's -- it's Ledrick Circle.

14 Q Okay.

15 Was the road in to Ledrick ever blocked where
16 you couldn't get to your house?

17 A No, sir.

18 Q Okay.

19 Were you ever prevented from going to your house
20 at any point during this spill?

21 A No, sir. I -- I just seen them out there --
22 well, at the store if they were out there kind of
23 blocking and stuff.

24 Q Were you still able to get to the store or
25 just -- they were just out there working?

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1 A Yes.

2 Q Have you gone on any -- since the oil spill,
3 have you taken any out-of-state trips or vacations or
4 anything like that?

5 A No. Not that I'm aware of.

6 Q All right.

7 MR. IRBY: Ms. Hays, I may have some more
8 questions after Mr. Pointer asks, but I'll
9 turn it over him.

10 EXAMINATION

11 BY MR. POINTER:

12 Q Melissa, I want to go back through some of the
13 symptoms that you talked about so we can get a clear
14 understanding of the differences between before and
15 after.

16 You had mentioned, I believe, that you had some
17 colds that you had before the spill visited Mayflower
18 Medical Clinic --

19 A Uh-huh.

20 Q -- for?

21 A Yes.

22 Q Obviously you had some issues with allergy,
23 sinus afterwards. Can you talk a little bit about
24 what difference, if any, there was in your sinus,
25 allergy, colds, things like that?

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1 A Just -- just kind of sneezing and ear pressure
2 and kind of just -- and having drainage and sinus --
3 Q You said --
4 A -- problems.
5 Q I'm sorry. Go ahead.
6 A Just sinus problems, you know.
7 Q Would you say it was more --
8 A And that caused chills and stuff.
9 Q Would you say it was more frequent after the
10 spill or less in terms of your sinus and headaches?
11 A I'd say more.
12 Q And I believe you have testified -- and we had
13 some discussion about the hydrocodone.
14 A Uh-huh.
15 Q We know you were prescribed that --
16 A Uh-huh.
17 Q -- at some point?
18 A But that was for my -- for the time-of-the-month
19 thing.
20 Q Okay.
21 So you had some female issues --
22 A Female pain.
23 Q -- right --
24 A And it was female --
25 Q -- that it was prescribed for. And I can't

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1 recall if you said who prescribed that for you?

2 A It was -- McKelvey was my first because he was
3 my gynecologist, and then I went to -- and so he
4 retired and I went to this other gynecologist. And
5 he just prescribed me once, but -- so then I started
6 seeing Stinnet for -- because I -- with my anxiety
7 and everything. And he prescribed me that for that
8 particular -- for my pain.

9 Q And out of what you've just told me --

10 A Uh-huh.

11 Q -- when Stinnet picked up that prescription or
12 he prescribed it for you --

13 A Yes.

14 Q -- what was the purpose that he prescribed it
15 for?

16 THE WITNESS: The -- which one? The
17 pain?

18 MR. POINTER: Yes. The hydrocodone.

19 A The same thing.

20 Q (By Mr. Pointer) "Same thing" meaning --

21 A The woman -- the -- the period thing.

22 Q And was all of that before the spill or did --

23 A Before.

24 Q -- some of it happen after?

25 A Before.

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1 Q Now, as far as when that became used or
2 prescribed for headaches, who was the one that did
3 that? Who was the physician?
4 A That was Angela Lovett.
5 Q Lovett?
6 A Uh-huh.
7 Q And was that after the spill?
8 A Yes.
9 Q So as we sit here today, you were never
10 prescribed hydrocodone for headaches before the oil
11 spill; is that true?
12 A Yes. That's true.
13 Q Do you still have headaches today?
14 A Yes.
15 Q Are you still being prescribed hydrocodone -
16 A Uh-huh.
17 Q -- for headaches?
18 A Yes.
19 Q The headaches, are they something that you
20 believe is either caused by or related to the oil
21 spill?
22 A I believe so.
23 Q So treatment for headaches then that you get
24 with Dr. Lovett -
25 A Uh-huh.

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1 Q -- is treatment that you get for a condition you
2 believe is either caused or related to the oil spill?

3 A Yes.

4 Q You mentioned Dr. Robert Rice. And I think he's
5 recently --

6 A Uh-huh.

7 Q -- become --

8 A Yes.

9 Q -- one of your physicians?

10 A Yes. Because my other one, I think, is retiring
11 so I switched doctors, so --

12 Q Okay.

13 A I had to find another one.

14 Q And tell me again what you see Dr. Rice for.

15 A For my anxiety.

16 Q Okay.

17 A And my obsessive/compulsive and depression.

18 Q I see.

19 Besides Dr. Rice, do you see a therapist or any
20 other --

21 A I did when I was with the other doctor at Living
22 Hope. I did see a therapist for a good while.

23 Q Was that before --

24 A And --

25 Q -- or after the spill?

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1 A And I have seen another therapist for just --
2 Nancy Melbourne.

3 Q Was that before or after the oil spill, if you
4 can remember?

5 A I think it was before, so -- I don't think that
6 had anything to do with it.

7 Q But Dr. Rice --

8 A But --

9 Q Go ahead, please.

10 A But the one at Living Hope -- they call him
11 "Rev." I told him all about it and everything, so --
12 and so I -- because I would see a therapist and then
13 I would see my doctor.

14 Q Okay.

15 Do you believe that the -- or has any -- strike
16 that.

17 Do you believe that the oil spill has had any
18 effect -- positive or negative -- on the anxiety, the
19 OCD and the depression?

20 A I think it just made my depression worse and the
21 anxiety, too.

22 Q And you're treated by Dr. Rice --

23 A Uh-huh.

24 Q -- for those conditions?

25 A Yes.

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1 Q And prior to that, you were treated by Living
2 Hope?

3 A Yeah. His name is Jim, but I can't remember the
4 last name.

5 Q All right.

6 We looked at some of your medical records from
7 Mayflower Medical Clinic. I think it's Exhibit 2.

8 THE WITNESS: Which one?

9 Q (By Mr. Pointer) If you will look at the last
10 page --

11 A The last -- the very last --

12 Q -- of the first visit. So it's going to be --
13 if you look at the very top of the page, you'll just
14 see a little fax notation.

15 A Oh. Page 5.

16 Q I know there's lots of numbering on it, but if
17 you will find that one.

18 A Okay.

19 Q And then you were asked about the PLAN listed
20 there which was Offered a steroid shot and refused
21 due to having lots of those as a child --

22 A Yeah.

23 Q -- do you see under that where she actually
24 prescribed some oral steroids in lieu of the shots?

25 A Yeah.

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1 Q Is that what -- do you recall --

2 A Yeah.

3 Q -- taking those?

4 A Yes. Right. I took those -- yeah. That's the
5 steroids I took because I didn't want a shot.

6 Q Flip one more page over. This is the visit
7 dated April 18. Do you see that at the top?

8 A Uh-huh.

9 Q 2013?

10 If you go down to "Social History" there, which
11 is toward the bottom of the page.

12 A Yeah. I see it.

13 Q It lists your occupation as a homemaker; Marital
14 status, married. No children. Hobbies/Recreation,
15 enjoys computer games.

16 A Yes.

17 Q It says "Exercise: Primary form of exercise is
18 walking. Frequency is 2 two days per week." Some
19 other things there that don't go with that. So
20 walking, is that something that you -- your primary
21 exercise?

22 A Yeah. Just -- just to get out.

23 Q Where do you walk at?

24 A My neighborhood.

25 Q And when you go walking, how long would you

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1 walk?

2 A Probably for about 45 minutes.

3 Q Do you usually go by yourself or would you go
4 with other people?

5 A Usually I go with Jason sometimes. Sometimes I
6 go by myself.

7 Q Okay.

8 And just around the neighborhood -- that area?

9 A Yeah. Just around the neighborhood.

10 Q Did you ever go outside Ledrick Circle when you
11 would walk?

12 A Huh-uh.

13 Q You'd just stick with that?

14 A Yeah.

15 Q Why would you do that? I mean, was it primarily
16 to --

17 A Just to get out of the house because I did it,
18 you know, a couple of years after the oil spill,
19 so -- but I didn't do it, you know, during that time.

20 Q Explain what you just said because I'm not sure
21 I took your meaning.

22 A I would -- I was saying that I started walking
23 around the neighborhood after, you know, like -- like
24 a couple years after the oil spill.

25 Q You started --

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1 A Yeah.

2 Q -- walking a couple of years after the oil
3 spill?

4 A Yes.

5 Q Did you walk before the oil spill?

6 A Yes.

7 Q And then are you saying that you stopped for a
8 while --

9 A (Witness nods head up and down.)

10 Q -- and then picked it up again a couple of years
11 after?

12 A Uh-huh.

13 Q Why did you -

14 THE VIDEO PHOTOGRAPHER: I'm having a
15 hard time hearing you. Can you please speak
16 up a little bit?

17 THE WITNESS: Okay.

18 THE VIDEO PHOTOGRAPHER: Thank you.

19 THE WITNESS: Okay.

20 A (By Mr. Pointer) Why did you stop walking after
21 the oil spill?

22 A Because breathing the air -- you know, the air
23 because of the oil.

24 Q You talked a little bit about the smell. Can
25 you describe that for us?

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1 A Very awful. It was just -- I mean, it was
2 just -- I couldn't stand it. It was so bad.
3 Q How long did you have to deal with that smell --
4 did you notice it?
5 A I had to deal with it for at least a week, I
6 think. Maybe two.
7 Q Did it --
8 A It seemed like forever.
9 Q Did it kind of start to decrease after that?
10 A Yeah. It started -- but I think still you can
11 smell a little bit of it here and there sometimes.
12 Q Did you ever smell it in your home?
13 A Yes. It was all in my house.
14 Q Was there some area of your house that you could
15 go to, to get away from it?
16 A No.
17 Q Did you do anything inside your house to try to
18 eliminate or improve the smell?
19 A Tried to spray like Febreeze -- you know,
20 something -- just anything to get the -- to try to
21 deal with the smell, but it was just overwhelming.
22 Q You mentioned some of the -- I think you
23 mentioned some of the lights that were involved with
24 the cleanup activity?
25 A Yeah.

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1 Q Where were those located; do you know?
2 A A little bit over -- past those houses right
3 behind us. And they would be on at night so that --
4 and then hearing those noises kept us up.
5 Q Interfered with your sleep some?
6 A Uh-huh.
7 Q How long --
8 A Even during the day with the noises.
9 Q How long did that go on approximately?
10 A Man, for -- for like --
11 Q Weeks or months?
12 A Months. I believe it was for months.
13 Q With the lights at night, is there anything that
14 you tried to do to minimize that?
15 A Yeah. We tried to do, but --
16 Q What did you do?
17 A Just tried to cover the window.
18 Q What would you cover it with?
19 A Just whatever we could. Something.
20 Q Okay.
21 Do you have any concern or worry about long-term
22 health implications because of the spill?
23 A Yes.
24 MR. POINTER: I think that's all I have.
25 THE WITNESS: (Nods head up and down.)
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1 FURTHER EXAMINATION

2 BY MR. IRBY:

3 Q Ms. Hays, just a couple of follow-ups for you.
4 You talked about the headaches that you were taking
5 hydrocodone for.

6 A Uh-huh.

7 Q Are you still also taking hydrocodone for your
8 other problems?

9 A No. No. I haven't. Huh-uh. But it's -- I
10 kind of -- you know, I probably would if -- no.

11 Huh-uh.

12 Q So you have a -- today you have a prescription
13 for hydrocodone; is that right?

14 A Yes. And the migraines.

15 Q And you've had a prescription for hydrocodone
16 for at least 5 years, right?

17 A That was for the -- yeah.

18 Q And when in time did you -- are you -- is it
19 your testimony that -- well, let me start over.

20 Do you still have a prescription for hydrocodone
21 for -- from a doctor to treat a condition related to
22 what you've described as your female problems?

23 A No.

24 Q Your only prescription --

25 A Because I want to have surgery.

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1 Q Your only prescription for hydrocodone now is --
2 your understanding is for your headaches, right?
3 A Yes.
4 Q And did you take a hydrocodone today?
5 A No.
6 Q And do you have a headache today?
7 A It's hurting -- starting to hurt some.
8 Q What brings on these headaches that you have
9 now?
10 A It just -- it just comes -- it just comes and
11 goes.
12 Q Is there anything in particular that you can
13 relate your current headaches to? Something that
14 triggers them?
15 A No. It just happens.
16 Q You mentioned that you believed your, I think,
17 depression and anxiety have gotten worse since the
18 oil spill.
19 A (Witness nods head up and down.)
20 Q Is that what you said?
21 A Yes.
22 Q Has there been any kind of change in your
23 medicine for any of those treatments?
24 A No, sir.
25 Q After the oil spill -- you're a smoker right

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1 now, right?
2 A Uh-huh. Yes, sir.
3 Q And you've been a smoker, I think, you said for
4 10 years?
5 A Yeah. About 7 years, I guess.
6 Q You were smoking at the time of the oil spill,
7 right?
8 A Yes.
9 Q And did you ever stop smoking after the oil
10 spill or change your smoking --
11 A I didn't -- I didn't smoke that much.
12 Q Didn't smoke that much?
13 A Huh-uh.
14 Q Why is that?
15 A Because I couldn't go outside with that smell.
16 Q Oh, okay.
17 So you had to -- you only smoke outside?
18 A Uh-huh.
19 Q And how long did it -- how long did your -- how
20 long did that last where you couldn't go outside to
21 smoke as much?
22 A For about a week or so when the smell started
23 kind of going down, like I said.
24 MR. IRBY: All right, Ms. Hays. Thank
25 you. Those are all my questions.

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1 MR. POINTER: I have none.

2 THE VIDEOGRAPHER: This will complete the
3 deposition.

4 We're off the record at 12:19 p.m.

5 THE COURT REPORTER: All right. Thanks
6 so much.

7 (WHEREUPON, the proceedings were
8 concluded in the matter at 12:19 p.m.)

9 (WITNESS EXCUSED)

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C E R T I F I C A T E

STATE OF ARKANSAS)
)ss
COUNTY OF PULASKI)

I, LEE ANN DICKENS, Certified Court Reporter #403, do hereby certify that the facts stated by me in the caption on the foregoing proceedings are true; and that the foregoing proceedings were reported verbatim through the use of a Stenotype machine and thereafter transcribed by me or under my direct supervision to the best of my ability, taken at the time and place set out on the caption hereto.

I FURTHER CERTIFY, that I am not a relative or employee of any attorney or employed by the parties hereto, nor financially interested or otherwise, in the outcome of this action, and that I have no contract with the parties, attorneys, or persons with an interest in the action that affects or has a substantial tendency to affect impartiality, that requires me to relinquish control of an original deposition transcript or copies of the transcript before it is certified and delivered to the custodial attorney, or that requires me to provide any service not made available to all parties to the action.

WITNESS MY HAND AND SEAL this 15th day of April, 2016.

LEE ANN DICKENS, CCR
Notary Public in and for
Pulaski County, AR expiring
10/13/25

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